

**CHAPTER 10-13-12**  
**AGENCY RESPONSIBILITY FOR REPORTING CRIMINAL HISTORY RECORD**  
**INFORMATION**

Section

10-13-12-01	Law Enforcement and Arresting Agencies
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**10-13-12-01. Law enforcement and arresting agencies.** Law enforcement and arresting agencies shall report to the bureau the following events and information:

1. Arrests.
  - a. Fingerprints.
  - b. Physical description.
  - c. Charges.
2. Decisions not to refer arrests for prosecution.
3. Fingerprints ordered by the court after determination that defendant has not been previously fingerprinted for the current charge.

The arresting agency retains responsibility for ensuring that the required information is reported to the bureau even though another agency is under agreement to provide fingerprinting services.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.2, 12-60-16.3

**10-13-12-02. Prosecuting attorneys.** Prosecuting attorneys shall report to the bureau the following events and information:

1. Charges filed.
2. Charges added subsequent to the filing of a criminal court case.
3. Decisions not to file charges after a reported arrest.
4. Judgments of not guilty.
5. Judgments of guilty including sentence imposed.

6. Dismissal of charges.
7. Reversal of conviction.
8. Remand.
9. Vacation of sentence.
10. Sentence modification.
11. Judgment terminating probation.
12. Judgment revoking probation including resentencing.
13. Deferred imposition of sentence or suspended sentence.
14. Death of defendant prior to trial.
15. Conviction of misdemeanor check offenses.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.2, 12-60-16.3

**10-13-12-03. Local correctional facilities.** Local correctional facilities shall report to the bureau the following events and information:

1. Receipts.
2. Escape.
3. Death.
4. Release.

This information shall be reported only for those offenders actually sentenced to the custody of the sheriff or local correctional facility for reportable offenses. It does not apply to those offenders who happen to be in custody awaiting trial or transfer to another facility, except in the event of their escape or death.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.2, 12-60-16.3

**10-13-12-04. State penitentiary.** The state penitentiary shall report to the bureau the following events and information:

1. Receipt.

2. Escape.
3. Death.
4. Release.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.2, 12-60-16.3

**10-13-12-05. Board of pardons and parole board.** The board of pardons and parole board, through the department of parole and probation, shall report to the bureau the following events and information:

1. Pardon.
2. Parole.
3. Commutation of sentence.
4. Discharge from custody or supervision.

The preceding events and information must be reported for each sentence assigned to a record subject for each reportable offense.

**History:** Effective November 1, 1987.

**General Authority:** NDCC 12-60-16.3

**Law Implemented:** NDCC 12-60-16.2, 12-60-16.3